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December 22, 2007

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United States District Court

P.O. Box 711

Montgomery, Alabama 36101-0711

3:07CV1091

Attn: Susan Russ Walker

Attached is a copy of our response which was filed on December 20th to the Alabama Judicial Data Center.

Re: SM 2007 000341

SM 2007 000342

Motion to Consolidate Action No. 3:07-CV-1091-WKW & Action No. 3:07-CV-1092-WKW by Leura G. Canary, United States Attorney.

The Plaintiffs in the above small claims cases request that the motion to consolidate their claims be denied for the following reasons:

1. The allegations made in **SM 2007 000341** deal with the Thrift Savings Plan (TSP) activities of the **participant** and the loss incurred due to TSP employee mismanagement. All documents are completed in only the participant's name. Telephone conversations were only with the participant and no activity was conducted as a married couple.
2. The Thrift Savings Plan booklet dated July, 2004 provided to the participant by Veteran Affairs Human Resource Department states on page 9 that certain rights are provided to spouses of participants. **These rights are provided to a spouse regardless of participant input and are not treated or addressed as a married couple. They are conducted as a separate right in the plan for a spouse of a participant, including separated spouses of participants.** Therefore, the spouse in **SM 2007 000342** has rights and actions available only to him/her and the TSP mismanagement of the rules supporting a Spouse Right is different from participant rights and requirements.

Jane H. Wasserman *Robert Z. Wasserman*

December 20, 2007

Alabama Judicial Data Center, Tallapoosa County
125 North Broadmax Street
Dadeville, AL 36853


Re: SM 2007 000341
SM 2007 000342

Motion to Consolidate Action No. 3:07-CV-1091-WKW & Action No. 3:07-CV-1092-WKW
by Leura G. Canary, United States Attorney.

The Plaintiffs in the above small claims cases request that the motion to consolidate their claims be denied for the following reasons:

1. The allegations made in **SM 2007 000341** deal with the Thrift Savings Plan (TSP) activities of the **participant** and the loss incurred due to TSP employee mismanagement. All documents are completed in only the participant's name. Telephone conversations were only with the participant and no activity was conducted as a married couple.
2. The Thrift Savings Plan booklet dated July, 2004 provided to the participant by Veteran Affairs Human Resource Department states on page 9 that certain rights are provided to spouses of participants. **These rights are provided to a spouse irregardless of participant input and are not treated or addressed as a married couple. They are conducted as a separate right in the plan for a spouse of a participant, including separated spouses of participants.** Therefore, the spouse in **SM 2007 000342** has rights and actions available only to him/her and the TSP mismanagement of the rules supporting a Spouse Right is different from participant rights and requirements.

Respectfully submitted this 20th day of December, 2007.


Irene H. Wasserman


Robert N. Wasserman

